



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

December 9, 2024

TO: Mayor and Board of Commissioners
FROM: John Windley, Mayor
REF: Mayor's Agenda

1. Proposed 2025 Board of Commissioners meeting schedule

In developing the 2025 Board of Commissioners meeting schedule, the Board has taken into account Federal, State, and Town holidays, the Dare County Schools student schedule, and Election Days. However, changes to the schedule may be made at any time. Two open comment public fora are scheduled: the spring forum on April 30 and the autumn forum on October 13. It is anticipated that the Town Hall Meeting Room will serve as an Early Voting and Elections Day polling station from mid-October through November 4, 2025.

The tentative BOC meeting schedule would be as follows:

| | |
|------------------------------------|-----------------------------------|
| Monday, January 13 | Monday, June 9 |
| Wednesday, January 22 | Wednesday, June 25 |
| Monday, February 10 | Monday, July 14 |
| Monday, March 10 | Monday, August 11 |
| Monday, April 14 | Monday, September 8 |
| Wednesday, April 30 (public forum) | Monday, October 13 (public forum) |
| Monday, May 12 | Monday, November 10 |
| Wednesday, May 28 | Monday, December 8 |

Board guidance is requested and at the conclusion of discussion, a motion will be in order to adopt the regular BOC meeting schedule for the 2025 calendar year.

2. Resolutions and Proclamations (Attached MA-2A and MA-2B)

A. Resolution Reaffirming the Town of Kill Devil Hills' Opposition to Offshore Drilling, Seismic Testing, and Leasing

As Kill Devil Hills' pristine coastline is vital to our community and its economy, reaffirming our opposition to offshore drilling along North Carolina's coast will be a good reminder to all of KDH's position.

B. Resolution in Opposition to Provisions in Senate Bill 382 Affecting Zoning Authority of Local Governments

With the potential for adoption of Senate Bill 382, a section of the bill would strip local government's authority to enact land-use provisions. This resolution further communicates the Board's commitment to protecting its citizens and residents through effective planning and zoning ordinance-making authority.

I recommend the Board of Commissioners adopt these resolutions as presented.



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

A Resolution Reaffirming the Town of Kill Devil Hills' Opposition to Offshore Drilling, Seismic Testing, and Leasing

WHEREAS, the Town of Kill Devil Hills and all of coastal North Carolina realize enormous economic and environmental benefits along and around the state's 12,331 miles of coastline; and,

WHEREAS, N.C. State University research highlights the economic impact for the wild-caught commercial seafood industry at almost \$297 million annually, supporting over 5,500 jobs; and

WHEREAS, North Carolina's tourism industry generated more than \$35.5 billion in 2023, generating over \$4.5 billion in federal, state and local taxes; in Dare County alone, tourism expenditures exceeded \$2.15 billion in 2023, resulting in over 12,500 leisure and hospitality jobs; and

WHEREAS, the Kill Devil Hills Board of Commissioners has understood the importance of a pristine coastline with clean water, oil-free beaches, and abundant fish and wildlife, first adopting a resolution in opposition to offshore oil exploration and drilling in 1989, and reaffirming its position eight times through resolutions over several decades; and

WHEREAS, in 2022, President Trump established a 10-year federal moratorium on new oil and natural gas testing and drilling leases off the coast of North Carolina through 2032; and

WHEREAS, everchanging political landscapes and attitudes regarding domestic energy production may pose a threat to this moratorium's length and scope; therefore, be it

RESOLVED, That the Kill Devil Hills Board of Commissioners stands in continued support of its unique coastal environment, economy, citizens, and visitors by adopting this resolution urging the President, the U.S. Congress, the State of North Carolina, and all federal agencies to support a permanent ban against new federal oil and gas leasing in all U.S. waters, as well as a permanent ban on new offshore oil and gas drilling, seismic drilling, and other well stimulation in all waters off the coast of North Carolina.

This the 9th day of December, 2024.

SEAL

John Windley
Mayor

ATTEST:

James Michael O'Dell
Town Clerk



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

A Resolution in Opposition to Provisions in Senate Bill 382 Affecting Zoning Authority of Local Governments

WHEREAS, Senate Bill 382, Dental Practice Act Changes, was introduced and then modified through closed conference committee, with no public input or debate permitted, to become

“AN ACT TO MAKE MODIFICATIONS TO AND PROVIDE ADDITIONAL APPROPRIATIONS FOR DISASTER RECOVERY; TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2023; AND TO MAKE VARIOUS CHANGES TO THE LAW”

for the stated purpose of prioritizing aid for Hurricane recovery efforts; and

WHEREAS, the stated purpose of Hurricane Helene Recovery is only a small portion of the bill; and,

WHEREAS, Senate Bill 382, in addition to many other changes unrelated to Hurricane Helene recovery efforts, includes a section with changes to NCGS 160D-601 entitled *Procedure for adopting, amending, or repealing development regulations*. (d) *Down-Zoning* which would remove local government authority to initiate down-zoning amendments without the written consent of all property owners whose property is the subject of the down-zoning; and

WHEREAS, for the purposes of this amendment, down-zoning refers to any zoning provision that reduces development density to any degree, removes any permitted uses of land from any zoning district, or creates non-conformities in non-residential zoning districts; and

WHEREAS, more specifically, the statute requires that local governments obtain consent from all property owners that are affected by changes to setbacks, lot coverage, height, and bulk provisions of zoning ordinances which meet the definition of down-zoning; and

WHEREAS, controlling development is considered the most basic tool local governments have access to stay consistent with their Land Use Plans and maintain land use compatibility, achieve appropriate density, promote safety, ensure orderly growth and development, and adequately address new land-use trends; and

WHEREAS, this proposed statute, if enacted years ago, would have prevented Kill Devil Hills from adopting many of its longstanding regulations related to density, which the Town deems vital to protecting the safety and character of our community. Examples include regulations related to large residential dwellings, lot sizes, parking standards, and commercial building size limitations. Land-use trends are continually changing and evolving, and a local government's ability to govern land use is essential to maintain a safe and sustainable community, consistent with its adopted Land Use Plan; and

WHEREAS, many communities in North Carolina deal with growth and development challenges routinely and their zoning authority is one of the only means to balance growth with

the needs of the community and constituent concerns; and

WHEREAS, the provisions regarding down-zoning in Senate Bill 382 would effectively lock the current zoning ordinances in place now and into the future, making it nearly impossible for local governments to provide land-use regulations that are in the best interest of their communities, to maintain sustainability, in addition to the municipality's infrastructure ability to serve and protect; and

WHEREAS, Kill Devil Hills is a coastal community in an area prone to natural disasters; as climate change has increased the ferocity of storms and other weather events, additional regulations to protect property and infrastructure are essential to maintain a sustainable community into the future; and

WHEREAS, the reasons for these specific changes were not made clear and local governments were not provided an opportunity to review or comment on the proposed changes prior to its adoption by the General Assembly on November 19, 2024; and

WHEREAS, if Senate Bill 382 becomes law, it would consider any local government regulatory ordinance enacted as down-zoning during the 180 days prior to its adoption; therefore, be it

RESOLVED, That the Kill Devil Hills Board of Commissioners strongly opposes the adoption of the section of Senate Bill 382 which would modify GS 160D-601(d) and restrict all local governments in North Carolina and their ability to control growth and maintain a balanced community, and requests its immediate repeal by the General Assembly. In addition, Kill Devil Hills would request sufficient opportunities in the future to review and comment on any proposed legislation that would alter land use regulatory authority for local governments.

This the 9th day of December, 2024.

SEAL

John Windley
Mayor

ATTEST:

James Michael O'Dell
Town Clerk